



ATTACHMENT A

REMARKS

Claims 1-40 are pending in the present application. By this amendment, Applicants have amended claims 1-5, 7-11, 19, 21, 24-26, 28, 30, 33 and 36. Applicants respectfully submit that the present application is in condition for allowance for the reasons as set forth below.

Claims 1-40 were rejected under 35 USC § 112, 2nd paragraph. However, all pending claims were indicated as being allowable if rewritten or amended to overcome the 35 USC § 112, 2nd paragraph rejections. By this amendment, Applicants have amended the claims in a manner which obviates the identified 35 USC § 112, 2nd paragraph rejections thereby rendering all claims allowable. Specifically, with regard to the prior rejections, Applicants submit the following remarks in the order in which the rejections were presented in the Office Action.

With regard to the rejection of claims 1-4, 19 and 21 for being vague for reciting "capable of" in certain clauses, these claims have now been suitably amended so as to avoid the objection. It is respectfully submitted that the claims have been amended so that the positive steps clearly recite the specific features of the materials or steps of the method as required, and thus that the amended claims are now clear on their face and satisfy the requirements of 35 U.S.C. 112, 2nd paragraph.

With regard to the objection to the expression "treating the mixture such that a modified gel is formed" (claim 1), Applicants respectfully submit that one of ordinary skill in the art would fully understand the nature of such treatment, particularly in view of the subsequent portion of step (d) which, as currently amended, specifies the

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characteristics of the resulting (“modified”) gel. That is, the particulate material is bound to the gel, and the modified gel is chemically hydrophobic with a surface roughness that physically enhances the hydrophobicity, such that water has a contact angle on the surface of at least 150°. In addition, “treating” has been amended to read “chemically treating” to further clarify this step.

A person of ordinary skill in the art would understand, especially in the context of the complete specification, what chemical treatment would be required to modify the gel from being hydrophilic to being hydrophobic, or from being less hydrophobic to more greatly hydrophobic. Guidance is provided by the description (see the present specification, for example, page 7, lines 1 to 16). Moreover, it is submitted that one of ordinary skill in the art would be fully familiar with the properties of gels and the modification of their hydrophobicity, and therefore, would have no difficulty implementing this step and would find it entirely clear.

In any event, the limits of the claim are clearly defined by the resulting properties of the modified gel so that it would be both a straightforward matter to effect the necessary chemical treatment, and to determine in any particular instance whether or not treatment within the bounds of the claim has occurred. It must be borne in mind that surface roughness, hydrophobicity and contact angle are all easily measured qualities. Consequently, the scope of the claim can be readily ascertained.

Based on the foregoing, it is respectfully submitted that the claims as amended satisfies the requirements of 35 U.S.C. 112, 2nd paragraph.

With regard to the request that claims 7 to 9 be put into proper Markush form, claims 7 to 9 as well as claims 24 and 25, as amended, now include proper Markush language, and the objection is respectfully traversed.

With regard to the rejection of claim 28 as being vague for reciting the term "treating", claim 28 has been amended similarly as claim 1, so that "treating" now reads "chemically treating". It is respectfully submitted that claim 28 as amended, for the reasons discussed above in the context of claim 1, is also clear and satisfies the requirements of 35 U.S.C. 112, 2nd paragraph.

Further, it is respectfully submitted that one of ordinary skill in the art would understand the nature of the chemical treatment referred to in claim 28. Moreover, since the characteristics of the resulting modified gel are clearly recited in claim 28 and readily ascertained in practice, it would be a straightforward matter to determine whether any particular chemical treatment falls within the scope of the amended claim. Accordingly, it is submitted that claim 28, as amended, satisfies the requirements of 35 U.S.C. 112, 2nd paragraph.

Based on the foregoing discussion, Applicants respectfully submit that all claims as amended are now in compliance with 35 U.S.C. 112, 2nd paragraph. Therefore, Applicants respectfully request that the rejection of the claims under 35 U.S.C. 112, 2nd paragraph be withdrawn.

The specification was objected to for failing to include an abstract on a separate sheet. As an initial matter, Applicants respectfully submit that this requirement in a national stage § 371 application is "improper" (see MPEP § 1893.03(e)) since the PCT published application contains an abstract on a separate page. However, by this

amendment, Applicants have submitted a substitute abstract which amends the previous abstract to be in a more conventional U.S. abstract form.

With regard to the objection to the disclosure for including the word "Aerosil" in superscript font, by this amendment, Applicants have amended pages 11 and 13, lines 12 and 5, respectively, so that Aerosil is in normal text font thereby obviating the objection.

In view of the foregoing, Applicants respectfully submit that the present application is now in condition for allowance, and such action is earnestly solicited.